

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

BRYAN E. RANSOM,

Plaintiff,

v.

M. JOHNSON, et al.,

Defendants.

CASE NO. 1:05-cv-00086-OWW-NEW (DLB) PC

ORDER DENYING MOTION FOR ENTRY OF  
DEFAULT

(Doc. 25)

Plaintiff Bryan E. Ransom ("plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On July 2, 2007, plaintiff filed a motion seeking the entry of default. Plaintiff asserts that defendants were served on June 1, 2007, and their answer was due June 21, 2007.

Entry of default is appropriate as to any party against whom a judgment for affirmative relief is sought that has failed to plead or otherwise defend as provided by the Federal Rules of Civil Procedure and where that fact is made to appear by affidavit or otherwise. Fed. R. Civ. P. 55(a). Defendants have not been served with process. On June 1, 2007, the court issued an order directing the United States Marshal to *initiate* service. Until defendants have either waived service and failed to respond within sixty days or been personally served and failed to respond within twenty days, they are not in default and plaintiff is not entitled to entry of default.

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Plaintiff's motion seeking the entry of default, filed July 2, 2007, is HEREBY DENIED.

IT IS SO ORDERED.

**Dated: July 6, 2007**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE